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6 Attorneys for Defendant  
7 Nevada Property 1 LLC

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 JOSE BETANCOURT, an Individual, ) Case No. 2:17-cv-02452-RFB-VCF  
11 )  
11 Plaintiff, )  
12 )  
12 vs. )  
13 )  
13 NEVADA PROPERTY 1 LLC, a Foreign )  
14 Liability Company d/b/a The Cosmopolitan of )  
14 Las Vegas; DOES I-X; ROE CORPORATIONS )  
15 I-X, )  
15 Defendants. )  
16 )  
16 \_\_\_\_\_

**STIPULATION AND ORDER TO  
STAY PROCEEDINGS PENDING  
RESOLUTION OF DEFENDANT'S  
MOTION TO DISMISS**

**(First Request)**

17 Plaintiff Jose Betancourt ("Plaintiff"), by and through his counsel of record, the law firm  
18 of HKM Employment Attorneys LLP, and Defendant Nevada Property 1 LLC d/b/a The  
19 Cosmopolitan of Las Vegas ("Defendant"), by and through its counsel of record, the law firm of  
20 Kamer Zucker Abbott, stipulate and request that the Court stay these proceedings pending  
21 resolution of Defendant's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(1)  
22 and (6) (ECF No. 5). In support of this Stipulation and Request, the parties state as follows:  
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- 24 1. Defendant filed its Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(1)  
25 and (6) ("Motion") on November 30, 2017. (ECF No. 5).
- 26 2. On December 15, 2017, the Court granted the parties' Stipulation and Order to Extend  
27 Deadlines for Opposition and Reply in Support of Defendant's Motion to Dismiss. (ECF  
28 No. 8).

1       3. Plaintiff filed his Opposition to Motion to Dismiss on January 4, 2018 (ECF No. 9), and  
2       Defendant filed its Reply in Support of Its Motion to Dismiss Pursuant to Federal Rule of  
3       Civil Procedure 12(b)(1) and (6) on January 25, 2018 (ECF No. 10).

4       4. Based on the disposition of Defendant's Motion to Dismiss, this case may be dismissed in  
5       whole or in part or allowed to proceed in its current form. Accordingly, the parties believe  
6       it would be prudent to stay proceedings in this matter to conserve expenditures and  
7       resources until a decision is made on Defendant's Motion. The parties agree that, if this  
8       case survives the Motion to Dismiss, they will conduct their Rule 26(f) conference and  
9       submit a proposed discovery plan and scheduling order within thirty (30) days after  
10      decision on the Motion.

11      5. This request to stay proceedings is not sought for any improper purpose or other reason of  
12      delay. Rather, it is sought only to conserve the parties' respective resources while awaiting  
13      the Court's decision on Defendant's pending Motion.

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1 WHEREFORE, the parties respectfully request that the Court stay proceedings in this case  
2 until the resolution of Defendant's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure  
3 12(b)(1) and (6).

4 DATED this 25<sup>th</sup> day of January, 2018.

5  
6 HKM EMPLOYMENT ATTORNEYS LLP

DATED this 25<sup>th</sup> day of January, 2018.

KAMER ZUCKER ABBOTT

7  
8 By: /s/ Jenny L. Foley

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17 Attorneys for Defendant  
18 Nevada Property 1 LLC d/b/a  
19 The Cosmopolitan of Las Vegas

20 IT IS SO ORDERED.

21  
22 February 16, 2018

23 DATE



24  
25 RICHARD F. BOULWARE, II  
26 UNITED STATES DISTRICT JUDGE